

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MARCH 25, 2003

PRESENT:

David Humke, Chairman
Jim Shaw, Vice Chairman
Jim Galloway, Commissioner
Pete Sferrazza, Commissioner
Bonnie Weber, Commissioner

Amy Harvey, County Clerk
Nancy Parent, Chief Deputy Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

03-313 AGENDA

Katy Singlaub, County Manager, advised there was a word omitted from the title of the Resolution in Item 24B, concerning Special Assessment District No. 32; and the correct wording should be the Spanish Springs Valley Ranches Property **Owners** Association. She further noted there were two addendums adding Items 6F, a Resolution of Appreciation for the Citizen Homeland Security Council, and 33, appointment process for replacing the Sparks Justice of the Peace. Ms. Singlaub stated Item 27 is being amended to include a discussion of Rule No. 2, but if any changes are desired, that would need to be agendized on a future meeting.

Commissioner Sferrazza stated he had requested an agenda item concerning a pro-con discussion of a resolution on the war and asked why that is not on the agenda. Ms. Singlaub responded that the request did not get to her staff in time to be included on this agenda, an item will be on the next meeting agenda, and she apologized for not including it in the addendum.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Humke ordered that the agenda for the March 25, 2003 meeting be approved as amended.

PUBLIC COMMENTS

William Puchert, Reno citizen, urged the Board to support AB292, a bill that prohibits local governments from challenging petitions, referendums and recalls.

Patricia Axelrod, Desert Storm Think Tank and Veterans' Advocate, Micki Lewis, Robert Barbanti, Valerie Cohen and Darin Bue requested the Commission adopt a resolution expressing their opposition to the war in Iraq. They all stressed that their anti-war stance does not mean they do not support our troops.

Sam Dehne, Reno citizen, expressed his support for a new Court Services position so that inmates can be placed on parole rather than kept in jail at a cost of \$75.00 per day.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Galloway asked that the item requested by Commissioner Sferrazza be broad enough to cover any possible resolution or Board position with regard to the armed conflict in Iraq.

Commissioner Weber requested an item on the April 15, 2003 meeting agenda regarding a discussion of how items are placed on the agendas. She also requested a future agenda item to honor Hal Morton of Verdi for his years of service to the community.

Commissioner Sferrazza reported that the Truckee Meadows Water Authority (TMWA) Board voted to have a hearing officer hear all issues relating to rate complaints. He stated another important issue is deciding what drought reserve standards are going to be used.

Commissioner Galloway stated he is the delegate to the Regional Planning Governing Board Legislative Subcommittee. He stated the Committee has the potential to meet every Thursday, and the meetings can be called on short notice. He asked that the Board appoint an alternate in the event he is not able to attend a meeting; and, if that cannot be done today under the Legislative update item, he is requesting an item be placed on the next available agenda. Madelyn Shipman, Assistant District Attorney, advised the Board could appoint an alternate under the Legislative update item.

03-314 APPOINTMENT - VERDI TOWNSHIP CITIZEN ADVISORY BOARD

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that Andrea Manor be appointed as an at-large representative on the Verdi Township Citizen Advisory Board with a term from the date of appointment to June 30, 2004. Commissioner Weber acknowledged that Ms. Manor was present.

**03-315 CHANGE ORDER - DISTRICT HEALTH DEPARTMENT FY 02/03
PURCHASE ORDER - UNIVERSITY OF NEVADA, RENO -
BIOTERRORISM - EMERGENCY PREPAREDNESS**

Upon recommendation of Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that a change order to the fiscal year 02/03 Purchase Order #206327 with the Board of Regents, University of Nevada, Reno, in the approximate amount of \$28,000, bringing the total amount of the purchase order to \$57,000, on behalf of the Administrative Health Services Division of the District Health Department, be approved.

**03-316 EXPENDITURE APPROVAL - REFRESHMENTS - REGIONAL
WATER PLANNING COMMISSION WORKSHOPS - WATER
RESOURCES**

Upon recommendation of the Regional Water Planning Commission (RWPC), on motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that payment of \$356.97 for refreshments served at a December 7, 2002 RWPC workshop be approved. It was further ordered that the Director of the Department of Water Resources be delegated authority to approve payment up to \$1,200 per year for food and refreshments provided at future RWPC workshops, field trips and similar meetings. It was noted funding is to be from the Water Management Fund.

**03-317 LEASE AGREEMENT - VETERANS OF FOREIGN WARS -
VERDI TOWNSHIP CITIZEN ADVISORY BOARD - GENERAL
SERVICES**

Upon recommendation of Tom Gadd, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Agreement between Washoe County (Lessee) and the Veterans of Foreign Wars of the United States (VFW), a Nonprofit Nevada Corporation (Lessor), concerning lease of space in the VFW Building in Verdi, Nevada, for use by the Verdi Township Citizen Advisory Board, and for such other terms and conditions as stated therein, be approved and Chairman Humke be authorized to execute the same.

**03-318 SECOND ADDENDUM TO LEASE AGREEMENT - MMK
PROPERTIES - DISTRICT HEALTH DEPARTMENT - GENERAL
SERVICES**

Upon recommendation of Tom Gadd, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Second Addendum to Lease Agreement between Washoe County (Lessee) and MMK Properties (Lessor) concerning lease of space for the District

Health Department's Vector-Borne Diseases Program for an additional 36-month period from May 1, 2003, and for such other terms and conditions as stated therein, be approved and Chairman Humke be authorized to execute the same.

03-319 CORRECTION OF FACTUAL ERRORS - ASSESSOR

Upon recommendation of Tom Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills and the Order directing the Treasurer to correct the error, be approved and Chairman Humke be authorized to execute on behalf of the Commission:

PROPERTY OWNER	ID #	AMOUNT	ROLL
Freefone Nevada	2/106-163	[-\$43.39]	2000 Unsecured
Dallas Penrod	2/160-140	[-\$175.02]	2000 Unsecured
Nevada Pep	2/104-588	[-\$21.09]	2001 Unsecured
Alliance Financial Services	2/105-376	[-\$33.96]	2001 Unsecured
Promedco of Northern Nevada	2/173-401	[-\$157.43]	2001 Unsecured
James Roberts	2/308-538	[-\$107.10]	2001 Unsecured
Fort Dearborn Company	2/320-070	[-\$421.80]	2001 Unsecured
Steam Away Carpet Cleaning	2/108-308	[-\$171.33]	2002 Unsecured
Sierra Dental X Ray & Radiology	2/163-045	[-\$134.14]	2002 Unsecured
Dr. Galen R. Gilbert	2/164-010	[-\$39.61]	2002 Unsecured
Promedco of Northern Nevada	2/173-158	[-\$5,459.19]	2002 Unsecured
Resort Air	2/181-017	[-\$228.74]	2002 Unsecured
Xerox Corporation	2/190-064	[-\$66,029.91]	2002 Unsecured
Xerox Corporation	2/190-065	[-\$12,005.40]	2002 Unsecured
Xerox Corporation	2/190-066	[-\$1,033.28]	2002 Unsecured
Xerox Corporation	2/190-067	[-\$1,567.91]	2002 Unsecured
Xerox Corporation	2/190-116	[-\$604.01]	2002 Unsecured
Xerox Corporation	2/190-235	[-\$122.87]	2002 Unsecured
E D S Information Services LLC	2/190-930	[-\$233.56]	2002 Unsecured
W I N R Business Credit	2/191-852	[-\$953.48]	2002 Unsecured
Premier Capital Group Inc	2/191-918	[-\$24.77]	2002 Unsecured
Easy Living Mobile Homes Inc	2/202-158	[-\$254.45]	2002 Unsecured
Cricket Communications	2/470-207	[-\$949.82]	2002 Unsecured
Atlantis Casino Resort	2/700-208	[-\$609.30]	2002 Unsecured
Loyal Fritsch	32/18-302	[-\$378.62]	2002 Unsecured

03-320 RESOLUTION OF APPRECIATION - CITIZEN HOMELAND SECURITY COUNCIL

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following Resolution be adopted and duly executed:

RESOLUTION OF APPRECIATION

WHEREAS, The Washoe County Sheriffs Office, in conjunction with the American Red Cross, and under the direction of Sheriff Dennis Balaam, has formed a Citizen Homeland Security Council; and

WHEREAS, The Citizen Homeland Security Council is made up of community volunteers and its mission is to train, plan, educate and prepare for terrorist events and/or disasters; and

WHEREAS, By educating and preparing citizens, our community will be able to respond appropriately to terrorism or other manmade and natural disasters; and

WHEREAS, The newly formed Citizen Homeland Security Council held its first training class on January 22, 2003, at the Regional Public Safety Training Center, and 38 citizen volunteers completed the curriculum and now form the nucleus of the Council; and

WHEREAS, The training includes classes on the mission of the Citizen Homeland Security Council, Terrorism 101 and 102, Hazardous Materials, Weapons of Mass Destruction, Roots of Terrorism and Local Preparedness Efforts; and

WHEREAS, The Council plans to train no fewer than 300 citizen volunteers; and

WHEREAS, Proper planning and preparedness is crucial to the community, therefore the long-term goal of the Council is to provide this education and training community wide; and

WHEREAS, Washoe County Assistant Sheriff Jim Lopey is the Council's Program Director and Mr. Larry Martines, a retired Commander from the Los Angeles Sheriff's Department and an expert on the topic of terrorism, has volunteered his time to help develop this new group and act as its Program Coordinator; and

WHEREAS, The Citizen Homeland Security Council volunteers will supplement emergency service missions and help prepare our community by assisting in education, training, planning and preparations; and

WHEREAS, The Citizen Homeland Security Council seeks moral and political support from the Washoe County Commissioners and community leaders; now, therefore, be it,

RESOLVED, That in consideration of the above premises, the Washoe County Board of Commissioners, on behalf of all citizens of Washoe County, extend this Resolution of Appreciation to the instructors and volunteers serving on the Citizen

Homeland Security Council for their dedication and service to our community, and encourages all citizens of Washoe County to take necessary measures to prepare themselves for times of emergency.

03-321 APPEARANCE - BOB FIRTH - GROUNDWATER TASK FORCE

Bob Firth, Chairman of the Washoe County Groundwater Task Force, presented a PowerPoint demonstration detailing the background, scope of work, and membership of the Task Force. He said their purpose is to compile and distribute information on groundwater development and domestic well topics and to formulate policy recommendations to address groundwater development issues with respect to domestic wells, including the influence of municipal wells on domestic wells and the impact of an extended drought on groundwater resources. He stated the process is that the final report, findings and recommendations of the Task Force will be submitted to the Regional Water Planning Commission (RWPC) for their review and comment. Then it will be submitted to the Board of County Commissioners for final comment and approval. Mr. Firth stated, when the Task Force recommendations are approved, they would become part of the Regional Water Management Plan.

Mr. Firth stated the Task Force has been meeting for a year, displayed a map showing the areas they are studying, and noted there are almost 8,500 domestic wells and 100 municipal wells in the study area. Some of the other issues they are working on include the declining water tables in various basins, affects of municipal wells on domestic wells in the South Truckee Meadows, mitigation measures for domestic well owners, the rights, responsibilities and risks of domestic well owners, recommendations for construction practices when deepening or drilling domestic wells, and water rights dedication policies for new development. Mr. Firth advised there is a groundwater management program in place in Las Vegas, which they have studied thoroughly. He stated that program raises approximately \$1,000,000 per year through fees, and most of their funding is spent on an extensive groundwater recharge program. The program has been in place for seven years and has been quite successful.

Mr. Firth then listed some of the general findings the Task Force has made so far, such as detailed and accurate groundwater information is lacking in some basins and is very outdated in others, groundwater perennial yield estimates are not available or are not in sufficient detail at the sub-basin level, domestic wells are experiencing declining groundwater tables, and many of the domestic wells are quite old and do not have proper aquifer penetration. He noted that the South Truckee Meadows was all agricultural land at one time, and there was a lot of recharge from the irrigating. Those lands have now been developed and that recharge has been lost. Mr. Firth also discussed water quality noting domestic wells do not fall under the Federal water quality regulations.

Commissioner Galloway asked whether it was too early to tell if the groundwater monitoring being conducted now will ensure good data in the future. Mr.

Firth stated there has been a lot of good monitoring for the past several years, but the problem is that the data does not all get to one central location.

Gary Schmidt, County resident, stated consideration should be given to placing an irrigation limit on approvals of new subdivisions. He noted his wonderment when driving through ArrowCreek and seeing the half-acre lawns.

**03-322 APPEARANCE - JOHN SHERMAN, FINANCE DIRECTOR -
WINNET PROJECT UPDATE**

John Sherman, Finance Director, and Steve Leckey, Project Manager, conducted a PowerPoint presentation on the status of the WINnet (Washoe Integrated Network) Project. Mr. Leckey described the goals of the project as being improved productivity and efficiency, sharing data between departments, and enhanced customer service. He listed accomplishments to date and provided a timeline for implementation of future tasks.

Chairman Humke stated he has heard that some of the elected officials do not believe this is the best system and are considering doing their own programs. He asked if that was true. Mr. Sherman stated they have engaged all departments, and will continue to do so, to ensure the system meets everyone's needs. He advised there are certain elements of the system, such as the property tax system, that they still have to work on because the functionality of the system does not currently match up with the needs of the tax system. Katy Singlaub, County Manager, and Michelle Poché, Assistant County Manager, explained how the elected officials have been involved and that their input will continue to be important to the project.

**03-323 RECONSIDERATION - KENNEL PERMIT APPEAL - DEANNA
ZECH**

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Humke ordered that Rule No. 7 of the Washoe County Board of Commissioners be suspended.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the denial of the kennel permit appeal by Deanna Zech be reconsidered. Commissioner Galloway requested that anyone speaking present new information only.

Sam Dehne, Reno resident, spoke in support of issuing the kennel permit.

Katie Stevens, Animal Control Supervisor, advised there have been no other complaints received since the February 13, 2003 complaint of barking and there have been several instances of feedback stating the conditions have improved. In response to Commissioner Galloway, Ms. Stevens confirmed that issuance of the permit

in no way lessens the owner's responsibility to control the barking of her dogs. In response to Commissioner Shaw, Ms. Stevens advised that the neighbors who complained at the previous hearing now feel that the applicant has taken "steps in the right direction" to improve the situation.

Applicant Deanna Zech explained she has relocated the kennel further into the middle of the yard; the animals wear bark collars whenever they are outside; and she has been trying to work with the neighbors.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the kennel permit to keep five dogs at 6155 Chimney Drive, Sun Valley, Nevada, be granted subject to the condition that anytime the dogs are not in the kennel, they must be under the control of a responsible party.

03-324 AWARD OF BID - SECURITY GUARD SERVICES - BID NO. 2373-03 - FACILITY MANAGEMENT DIVISION

This was the time to consider award of bid for security guard services for the Facility Management Division. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 29, 2003. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Securitas d.b.a Burns Security
- Wackenhut of Nevada, Inc.
- AT Systems
- Holman Security Corporation

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Bid No. 2373-03 for security guard services for the Facility Management Division be awarded to the lowest responsive and responsible bidder, Securitas d.b.a. Burns Security, in the estimated annual amount of \$282,873.14. It was noted this amount is based upon approximately 21,661 hours of unarmed security guard service at the contracted rate of \$12.98 per hour, including approximately 264 County observed holiday hours at \$19.47 per hour, with a provision for a five percent annual increase in guard salaries and corresponding rate charges.

It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a two-year agreement with Securitas d.b.a. Burns Security for unarmed security guard services commencing April 1, 2003 through March 31, 2005, with the County retaining an option to renew the agreement for one additional two-year period.

**03-325 ORGANIZATIONAL EFFECTIVENESS COMMITTEE -
APPOINTMENTS AND EXPAND MEMBERSHIP**

Commissioner Sferrazza moved to continue this item. Commissioner Weber seconded the motion. Commissioner Galloway requested that, when this is brought back, the agenda item be broadened to include an evaluation of the Organizational Effectiveness Committee (OEC). Commissioner Shaw stated he does not see a reason to continue this item again. Chairman Humke stated he has not been able to attend any of the OEC meetings yet, will not be able to attend the meeting next week, and wanted to know more about the committee and its function. He said he would be able to attend the May OEC meeting. Commissioner Sferrazza amended his motion to continue the matter until the first meeting in May after the May OEC meeting. Commissioner Weber seconded the amendment. On call for the question, the motion carried on a 4 to 1 vote with Commissioner Shaw voting "no."

**03-326 RANCHO SAN RAFAEL ADVISORY BOARD - AMENDING
MEMBERSHIP AND APPOINTMENTS**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that:

1. The membership of the Rancho San Rafael Advisory Board be amended from five to seven members.
2. Mary Winston and Steven Brown each be appointed to two-year terms.
3. Virginia Kersey, Sam Stern and Dorismae Weber each be appointed to one-year terms.
4. The Rancho San Rafael Advisory Board hold a minimum of four regularly scheduled quarterly meetings.

Commissioner Sferrazza requested plaques or some type of recognition of their service for the members who were not reappointed.

**03-327 FISCAL YEAR 2002/2003 COST CONTAINMENT PLAN -
FINANCE**

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the 2002/2003 Cost Containment Plan, which includes a delay in filling vacant positions for at least nine months with no exceptions, budgets for certain accounts being reduced, and an analysis of the feasibility of charging General Fund overhead to funds with dedicated revenue, be approved. It was further ordered that staff be directed to inform the Board when there are

appeals to fill positions and to provide the Board reports concerning when the nine months have expired and when positions will be refilled.

**03-328 RURAL AND VOLUNTEER FIRE ASSISTANCE GRANTS -
BUREAU OF LAND MANAGEMENT AND NEVADA DIVISION
OF FORESTRY**

Upon recommendation of Roy Slate, Division Chief, Truckee Meadows Fire Protection District (TMFPD), on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the request for Rural and Volunteer Fire Assistance Grants for fire apparatus/equipment, as submitted by the Reno Fire Department on behalf of the three volunteer fire companies of Washoe County (Gerlach, Red Rock and Sutcliffe), and administered by the TMFPD, be approved and ratified.

**03-329 RESOLUTION - CANCELLING AUCTION OF SURPLUS
PROPERTY - GENERAL SERVICES**

This was the time set, as published in the *Reno Gazette-Journal* on April 16 and 23, 2003, to consider adoption of a Resolution Authorizing Cancellation of Surplus Property Auction, Setting New Auction Date and Modifying Information. Proof was made that due and legal Notice had been given.

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same:

**RESOLUTION
AUTHORIZING CANCELLATION OF SURPLUS PROPERTY AUCTION,
SETTING NEW AUCTION DATE AND MODIFYING INFORMATION**

WHEREAS, on November 26, 2002 and January 28, 2003, the Board of County Commissioners declared by Resolution a parcel of real property, identified as Assessor's Parcel Number #552-131-01, as surplus to Washoe County's needs and further authorized its sale at public auction; and

WHEREAS, it has since been discovered that this parcel is of a lesser size and reduced value than has been depicted in previous Board Resolutions and legal notices and, therefore, staff recommends that said Resolutions and legal notices be corrected, necessitating the cancellation and rescheduling of the public auction presently set to be conducted on March 25, 2003; and

WHEREAS, staff has modified this parcel's acreage information from 3.18 acres to 2.78 acres and has further reduced the appraised value to reflect this adjusted property size; and

WHEREAS, the Washoe County Public Works Department is recommending that it is in the best interest of the County that this parcel (APN #552-131-01) be declared as surplus to Washoe County's needs and sold at public auction, at a Board meeting to be held on May 13, 2003, pursuant to NRS 244.282, with reservation, at a minimum price established by certified appraisal, and under the terms and conditions listed below;

NOW THEREFORE, be it resolved that the Board of Washoe County Commissioners declares that the March 25, 2003 public auction of this parcel is hereby cancelled, that any bids received pursuant to the Board's previous related Resolutions and legal notices are void, of no effect and shall be destroyed by staff, that this parcel (APN #552-131-01, as described on Exhibit A attached hereto) is re-declared as surplus to Washoe County's needs, that the sale of this parcel is for a purpose other than to realign, change, vacate or otherwise adjust a street, alley, avenue or other thoroughfare, or portion thereof, and that it is in the best interest of the County and the public that this parcel be sold.

BE IT FURTHER RESOLVED that this parcel shall be auctioned and sold "AS IS, WHERE IS" to the highest bidder in accordance with Nevada Revised Statutes 244.282, at a public meeting of the Board of Commissioners on May 13, 2003, at 5:15 P.M., and following satisfaction of the terms and conditions set forth below, the Chairman shall be authorized to execute a Purchase and Sale Agreement and Quit Claim Deed and that the minimum selling price shall be Three Hundred Thousand Dollars and No Cents (\$300,000.00).

PROCESS: Notice of the sale and request for sealed written bids to be advertised for a minimum of two weeks as required by NRS 244.282 (2b). Bids are to be accepted at the Washoe County Public Works Department, 1001 E. 90' Street, Bldg. A, Reno, NV 89512, until 5:00 P.M. on May 9, 2003. All bid envelopes must evidence "Surplus Property Bid". At the Board of County Commissioners meeting on May 13, 2003, at 5:00 P.M., all sealed bids shall be opened, examined and declared, and of the proposals submitted that conform to all terms and conditions specified herein, and which are made by responsible bidders, the bid that is the highest shall be accepted by the Board. However, the Board will, before accepting a written bid, call for oral bids, and if a higher oral bid is made by a responsible person during the meeting, in conformance with all terms and conditions specified herein, for a price exceeding by at least five percent (5%) the highest qualified written bid, the Board will accept the highest qualified oral bid. The Board reserves the right to reject any and all bids and withdraw the property from sale and/or adjourn the meeting and sale to a date and time within the ten (10) days next following, to be announced at the meeting.

TERMS: Upon award of the highest qualified bid, the successful bidder must immediately submit a non-refundable deposit equal to twenty percent (20%) of the minimum selling price listed above, by certified treasury, bank or cashier's check, and also execute a Purchase and Sale Agreement. The remaining balance is due and payable to Washoe County, c/o Public Works Department, 1001 E. Ninth Street, Building A, Reno, NV 89512, within thirty (30) calendar days of the date on which the successful bidder is announced. In the event the successful bidder fails to tender either payment or execute a Purchase and Sale Agreement, the County may elect to offer the parcel to the next highest, qualified bidder as the Board may determine, or the Board may elect to start over with a new public auction for the parcel in question, or the Board may withdraw the parcel in question. Buyer shall pay one-half (50%) of real property transfer taxes, if any, and Seller shall pay the remaining one-half. Washoe County will accept and pay a broker/realtor commission not to exceed two percent (2%) of the minimum selling price listed above. Said commission, if any, must be disclosed at the time of submitting a bid and will reduce the net amount of the bid offered.

DISCLOSURE: The parcel to be sold hereby is sold "AS IS, WHERE IS" and potential bidders are urged to perform due diligence prior to submitting a bid. No warranties of any kind whatsoever, either express or implied, are made by Washoe County concerning the parcel in question, its condition, its value, any rights or obligations connected with the parcel, or the state of title to this parcel. The successful bidder will take title from Washoe County subject to any and all physical conditions, property easements and encumbrances, including taxes of record. Any water rights appurtenant to the parcel shall remain the property of the County. This real property is offered without water rights and without representations thereof, and further is subject to any and all recorded easements, rights of way and tax matters of record.

TITLE TRANSFER: Title to the Parcel shall be transferred subject to easements, rights of way and any tax matters of record, from Seller to Buyer by quit claim deed, and recorded by Seller at its expense within three (3) business days of final approval by the Board of Commissioners of Buyer's successful bid and satisfaction of sale conditions.

DEED AND FUNDS: Upon approval of this Resolution and satisfaction of all terms and conditions contained in the Purchase and Sale Agreement, the Board of County Commissioners hereby authorize the Chairman to execute a quit claim deed for this parcel in favor of the Buyer, and further direct the Comptroller to transfer all funds received from this auction to account 1611-5891.

This Resolution shall be effective on passage and approval.

The County Clerk is hereby directed to distribute copies of the Resolution to the Comptroller, Finance, Purchasing, Assessor, Treasurer and General Services.

Exhibit A

WASHOE COUNTY
REAL PROPERTY DECLARED AS SURPLUS
LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Washoe, described as below:

Washoe County Assessor's Parcel #552-131-01

Parcel A:

The Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4, Section 10, Township 20 North, Range 19 East, M.D.M.

EXCEPT all that portion of said land lying Easterly of the Westerly boundary line of that certain parcel of land conveyed to the County of Washoe, a political subdivision of the State of Nevada, by deed recorded July 30, 1991 in Book 3301, Page 47, as Document No. 1497511, Official Records, Washoe County, Nevada.

Parcel B:

All that portion of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4, Section 10, Township 20 North, Range 19 East, M.D., lying South of a parcel of land described in Deed No. 650522, Book 1465, Page 799, Washoe County, Nevada.

EXCEPT all that portion of said land lying Easterly of the Westerly boundary line of that certain parcel of land conveyed to the County of Washoe, a political subdivision of the State of Nevada, by deed recorded July 30, 1991 in Book 3301, Page 47, as Document No. 1497511, Official Records, Washoe County, Nevada.

03-330 FY2003/04 HOME FUNDS ALLOCATION - COMMUNITY DEVELOPMENT

Upon recommendation of Eric Young, Planner, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Weber voting "no," Chairman Humke ordered that \$441,979 of Washoe County's share of FY2003/04 HOME funds be allocated, or self-directed, as follows:

\$262,500 to New Opportunities for Home Ownership
\$179,479 to Vitality Center/Phoenix Houses

It was noted that \$133,500 has already been allocated to Independent Living for Seniors in Washoe County, bringing the total allocation to \$575,479; and that these are loans, not grants.

03-331 STAFF DIRECTION - METHOD OF SALE OF WATER RIGHTS - SIERRA SAGE GOLF COURSE - PARKS

Lori Bushey, Washoe County resident, noted the overdraft of water in the Lemmon Valley basin and pointed out that Lemmon Valley is going to run out of water. She said the County's Well No. 9 in Lemmon Valley is providing water to Stead and asked why these Stead water rights could not be used to service Stead.

Vahid Behmaram, Water Rights Technician, explained that Lemmon Valley is considered two distinct hydrographic basins, Lemmon Valley West (92A) and Lemmon Valley East (92B), and has been administered as such by the State Engineer's office. He said the Sierra Sage water rights are on the Lemmon Valley West hydrographic basin, and they will be utilized within the Truckee Meadows Water Authority (TMWA) Silver Lake Water System for future development that may be in Stead, Red Rock or Silver Knolls. Mr. Behmaram further explained that the County pumps Well No. 9, which is in the Lemmon Valley East hydrographic basin; the water goes to TMWA's system; and it eventually ends up in Horizon Hills. He stated he does not believe it is possible to utilize the Sierra Sage water rights to service Horizon Hills because of the infrastructure.

In response to Commissioner Galloway, Mr. Behmaram advised these water rights were used for years on the golf course, and the County stopped using them when the golf course switched to treated effluent. He stated they are very valuable rights because there are so few water rights available in this basin. Commissioner Galloway confirmed that, if the County does sell these water rights, it should be able to get much more per acre-foot than for other water rights and much more than it would have to pay for recharge water.

Ms. Bushey referred to a 1997 plan concerning recharge and the Reno-Stead Facilities Plan and asked why TMWA would not want some of this water in lieu of pumping the water out of Lemmon Valley. She cited numbers resulting in a conclusion that the overdraft of pumping in Lemmon Valley is 2,550 acre-feet per year. Ms. Bushey stated they are losing 10 to 12 domestic wells per year.

Rob Winkel, Barker Coleman Communities, urged the Board to place the remaining water rights up for auction.

Commissioner Weber stated she and many North Valleys residents would like to see these water rights sold so their park could be finished. Commissioner Shaw stated if that was a motion, he would second it. Madelyn Shipman, Assistant District Attorney, asked for clarification as to whether Commissioner Weber's motion intended to place all 196.03 acre-feet up for bid as a block rather than auctioning them separately.

Commissioner Weber said she would like to see the \$10,000 per acre-foot and hopefully someone would come out and buy the whole 196 acre-feet. Ms. Shipman stated anyone wishing to bid would still have the option of submitting higher bids. Commissioner Sferrazza stated the same bidders were at the last sale and could have bought all the water rights at \$10,000 per acre-foot at that time. Commissioner Galloway stated he would second the motion on the understanding that the water rights would be sold as a block to the highest bidder for the whole block. Commissioner Sferrazza stated if the same method is followed as the previous time, there could be a handful of people buying just a few acre-feet again, but at a higher price. Commissioner Galloway stated that would not happen if this were put out to bid as a block. Chairman Humke noted the agenda memorandum from staff indicates there has been a lot of interest expressed in purchasing these water rights subsequent to the last auction. Commissioner Sferrazza stated he supported doing it the same way as before because the County could get more money that way. Chairman Humke asked Commissioner Weber if she would allow "all or part" of the 196 acre-feet to be sold under the same procedure as the last time. Commissioner Weber stated she did not believe that would be the appropriate way to do this. She said, if there is a buyer that will purchase the whole 196.03 acre-feet of water rights, the rights should be sold that way. Commissioner Shaw agreed stating, if they keep using the same method, this could be piece-mealed over and over. Commissioner Sferrazza stated selling all the rights as a block ensures that the County will receive the lowest price. Commissioner Shaw called for the question. The motion carried on a 4 to 1 vote with Commissioner Sferrazza voting "no."

5:05 p.m. Commissioner Galloway temporarily left the meeting

03-332 **CABLE TV FRANCHISE AGREEMENT - RENEWAL - STATUS REPORT**

Pursuant to discussion at the caucus meeting, Katy Singlaub, County Manager, advised the County's authority is quite limited regarding setting the basic rates for cable television service and what is included in the basic rate. The Board's only authority is to determine whether the rate being charged is calculated in accordance with the Federal Communications Commission (FCC) formula and that it includes only what the FCC allows to be included.

Upon recommendation of John Balentine and Kathy Carter, Co-Chairs of the Cable TV Franchise Negotiating Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway temporarily absent, Chairman Humke ordered that the Committee name be changed to the Citizens' Cable TV Advisory Committee; William Puchert be appointed to the Committee; Bill Horn be invited to join the committee as an ad-hoc member; and the status report be accepted.

5:10 p.m. Commissioner Galloway returned to the meeting.

03-333 INCLINE VILLAGE MAINTENANCE FACILITY - PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that completion of the Incline Village Maintenance Facility be approved.

03-334 BILL NO. 1373 -AMENDING WCC CHAPTER 25 - GAMING WORK PERMITS

Bill No. 1373, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS OF CHAPTER 25 BY REMOVING REFERENCES TO GAMING WORK PERMITS AS GAMING WORK PERMITS ARE GOVERNED BY CHAPTER 30, AND BY ELIMINATING THE REQUIREMENT FOR GAMING SECURITY GUARDS TO OBTAIN A WORK PERMIT TO PERFORM SECURITY SERVICES UNDER CHAPTER 25 AS GAMING SECURITY PERSONNEL ARE INCLUDED WITHIN THE DEFINITION OF GAMING EMPLOYEE UNDER CHAPTER 30 AND REQUIRED TO OBTAIN A GAMING WORK PERMIT AS PROVIDED THEREUNDER, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

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THE BOARD CONVENED AS THE COUNTY LIQUOR AND GAMING BOARD WITH SHERIFF DENNIS BALAAM PRESENT

03-335 BILL NO. 1374 - AMENDING WCC CHAPTER 30 - GAMING WORK PERMITS

Bill No. 1374, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS OF CHAPTER 30 RELATING TO GAMING WORK PERMITS TO MAKE GAMING WORK PERMITS COMPATIBLE WITH STATE LAW FOR STATEWIDE GAMING WORK PERMITS AND MAKING PERMISSIVE THE COUNTY LIQUOR AND GAMING BOARD'S REGULATION OF GAMING WORK PERMITS; BY PROVIDING CONDITIONS UNDER WHICH THE COUNTY LIQUOR AND GAMING BOARD MAY CEASE REGULATING GAMING WORK PERMITS DEPENDING ON WHETHER THE CITY OF RENO OR CITY OF SPARKS, OR BOTH CITIES, STOP REGULATING GAMING WORK PERMITS IN THEIR RESPECTIVE JURISDICTIONS AND IN SUCH EVENT, PROVIDING TRANSITION PROVISIONS TO TURN OVER SUCH REGULATION TO THE STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

PUBLIC COMMENT

Gary Schmidt, Washoe County resident, noted there are no agendas on the table or posted outside of the Chambers for the County Liquor and Gaming Board meeting.

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THE BOARD RECONVENED AS THE BOARD OF COUNTY COMMISSIONERS

03-336 CONVERSION OF PART-TIME POSITION TO FULL-TIME EQUIVALENT POSITION - COURT SERVICES

This request was previously considered and denied by the Board on February 11, 2003. See Item 03-143. Katy Singlaub, County Manager, noted the Board has received a supplemental staff report from Darin Conforti, Finance Department, concerning potential offsetting revenue by re-imposing the monthly supervision fees.

Chairman Humke stated he questions whether the revenue will materialize, whether the Court Services Officer will be chasing after fees, and whether this is a judicial function.

Lois Avery, Washoe County resident, stated prevention programs always save money and cited figures that could be saved. Sam Dehne, Reno resident, submitted written comments supporting the request.

Upon recommendation of Ron Longtin, District Court Administrator and Clerk of Court, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the conversion of a current Court Services Position, Pre-Trial Service Officer 1 (PCN 132) from a part-time to a full-time equivalent position be approved effective concurrent with the date of imposition of the fee.

03-337 RESOLUTION – NOTICE OF INTENTION TO AUTHORIZE MEDIUM-TERM FINANCING UNDER CHAPTER 350 OF NEVADA REVISED STATUTES

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution Directing the Publication of a Notice of Intention to Authorize Medium-Term Financing Under Chapter 350 of Nevada Revised Statutes, be adopted and Chairman Humke be authorized to execute the same:

Summary - a resolution directing publication of notice of intent to authorize medium-term financing and calling a public hearing.

RESOLUTION

A RESOLUTION CONCERNING MEDIUM-TERM FINANCING; DIRECTING THE PUBLICATION OF A NOTICE OF INTENTION TO AUTHORIZE MEDIUM-TERM FINANCING UNDER CHAPTER 350 OF NEVADA REVISED STATUTES; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners of Washoe County, Nevada (the "Board," "County," and "State," respectively) proposes to issue general obligation medium-term notes or bonds of the County (the "Obligations") under Sections 350.087 through 350.095 of Nevada Revised Statutes ("NRS"), bearing interest at a rate or rates which do not exceed by more than 3% the "Index of Twenty Bonds" most recently published in The Bond Buyer before bids are received for such medium-term financing or a negotiated offer is accepted, and maturing within 5 years of the date of issuance thereof, in order to pay all or a portion of the cost to acquire, construct, reconstruct, improve and equip a county building project to be used as an animal shelter (the "Project"); and

WHEREAS, the Board has determined and hereby determines that legally available funds of the County will at least equal the amount required in each year for the payment of interest and principal on the Obligations; and

WHEREAS, the County pursuant to Subsection 2 of NRS 350.087, proposes to publish a notice of its intention to act upon a resolution authorizing medium-term financing; and

WHEREAS, the Board proposes to incur the Obligations after adoption of an authorization resolution at a public hearing held at least 10 days after publication of the notice described above.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the issuance of the Obligations, be and the same hereby are, ratified, approved and confirmed.

Section 2. The County Clerk be, and she hereby is, directed to publish a notice of intention to incur medium term financing in substantially the form set forth below one time in the Reno Gazette Journal, a newspaper of general circulation in the County, at least 10 days prior to the date designated for a hearing thereon.

Section 3. The Board shall meet on the date, at the time and in the place designated in such notice to conduct the hearing therein mentioned.

Section 4. The Board hereby declares its intent to reimburse any expenditures it makes on the Project prior to the issuance of the Obligations with the proceeds of the Obligations in the principal amount of \$2,575,000.

Section 5. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 6. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 7. This resolution shall become effective and be in force immediately upon its adoption.

**03-338 RESOLUTION – SPECIAL ASSESSMENT DISTRICT NO. 32
(SPANISH SPRINGS VALLEY RANCHES ROADS) – PUBLIC
WORKS**

5:25 p.m. Commissioner Sferrazza temporarily left the meeting.

In response to Commissioner Galloway, Tom Gadd, Director, Public Works, said if the roads are not built out, the property would not be developed. He said homeowners are willing to pay for building the roads and the County would then take over the roads and maintain them according to the numbers provided in the agenda materials and placed on file with the County Clerk. It was noted numerous letters supporting and opposing the District were placed on file with the County Clerk.

Lois Avery, Sparks resident, spoke in favor of the District.

Commissioner Galloway stated he would have favored a more phased in approach, since the area is only 35 percent built out, such as a stem road from which most people would benefit.

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent and Commissioner Galloway voting "no," it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same on behalf of Washoe County:

Summary - a provisional order resolution for an improvement project in Special Assessment District No. 32 (Spanish Springs Valley Ranches Roads).

RESOLUTION NO. 03-338

A RESOLUTION MAKING A PROVISIONAL ORDER FOR THE ACQUISITION AND IMPROVEMENT OF A STREET PROJECT PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW, AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO, TO BE KNOWN AS WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 32 (SPANISH SPRINGS VALLEY RANCHES ROADS); SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE PROJECT; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; APPROVING A CONTRACT WITH THE SPANISH SPRINGS VALLEY RANCHES PROPERTY OWNERS' ASSOCIATION CONCERNING THE DISTRICT; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe in the State of Nevada, duly adopted and approved has directed the Director of the Department of Public Works (the "Engineer") to file with the County Clerk certain preliminary plans, assessment plat, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits, all in connection with the acquisition, pursuant to Chapter 271, Nevada Revised Statutes, of a street project, as hereinafter more specifically described (the "Street Project" or "Project"); and

WHEREAS, pursuant to such direction and with such modification in the details of the Project as was deemed necessary and as is consistent with the provisions of this resolution, the Engineer on or before March 25, 2003, filed with the Clerk of the County, in connection with said improvements, and with the proposed Washoe County, Nevada, Special Assessment District No. 32 (Spanish Springs Valley Ranches Roads), the following:

(A) Preliminary plans and specifications, with construction drawings, showing a typical section of the contemplated improvements, the type or types of material, and the approximate thickness and wideness;

(B) A preliminary estimate of the total cost of the Project and of each type of construction, the estimate being made on a unit price and lump sum basis, including in the total estimate, without limiting the generality of the

foregoing, the advertising, appraising, engineering, legal, printing, and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof;

(C) An assessment plat or map, including an addendum thereto (designated as a "Tabulation of Parcels" or "Preliminary Assessment Roll") showing the descriptions of the property to be assessed, showing the area to be assessed, the market values, the amounts of estimated preliminary assessments, the amount of maximum benefits estimated to be assessed against each tract or parcel of land in the District, the estimate being based on a per lot basis for the unit, as hereafter described and with an equitable adjustment having been made for any tract or parcel not specially benefited in direct proportion to the percentage applicable to that tract or parcel under the per lot method used so that assessments according to benefits will be equal and uniform; and

(D) The Engineer's Report to the Board of County Commissioners on Benefits (including the exhibits thereto) describing the method of apportioning benefits, the method of apportioning the costs in the District and thereby determining the assessment against each parcel in the District, and explaining the certain adjustments thereto; and

WHEREAS, the Board has examined said plans, assessment plat, including the addendum thereto, a typical section of contemplated improvements, preliminary estimate of the cost, estimate of maximum benefits and Engineer's Report so filed with said Clerk and has found and does hereby declare the same to be satisfactory in all respects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA: that the Board shall and hereby does accept the plans and specifications, assessment plat (including the addendum and exhibits thereto), typical section of the contemplated improvements, preliminary estimate of cost, the Engineer's Report on Benefits and the estimate of maximum benefits to be assessed against each tract or parcel of land in the assessment area.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES RESOLVE FURTHER AND SHALL, AND HEREBY DOES, PROVISIONALLY ORDER:

Section 1. The improvement district shall be designated "Washoe County, Nevada, Special Assessment District No. 32 (Spanish Springs Valley Ranches Roads)" (the "District").

Section 2. The Project shall be acquired at an estimated preliminary total cost of \$6,100,000, including engineering, legal, and incidental expenses as more particularly hereinafter set forth and as described in the plans and specifications herein accepted, reference to which is hereby made and which are available for public inspection at the office of said County Clerk and at the office of the Engineer.

Section 3. The District shall constitute one assessment unit for purposes of remonstrance, construction and assessment. The boundaries of the District and such unit shall be as designated in the form of notice set forth in Section 4 of this resolution. The amounts to be assessed shall be made upon all tracts benefited in proportion to the special benefits received, as more fully described in the form of notice set forth in Section 4 of this resolution.

Section 4. On April 22, 2003 at 5:30 p.m. at the Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada (i.e., a time at least 20 days after the adoption of this resolution), the Board of County Commissioners will consider the ordering of the Project and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing concerning the same by the owners of the property to be assessed or any person interested. The owners of the property to be assessed or any other persons interested therein may file a written protest or objection and may appear before the Board and be heard as to the propriety and advisability of making such improvements as to the estimated cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against the property to be improved. Twenty (20) days' notice in writing of such time and place shall be given to such property owners, postage prepaid, as first-class mail to each of such property owners at his last-known address, the names and addresses of such property owners to be obtained from the records of the County Assessor or from such other sources as the County Clerk or the Engineer deem reliable. Any such list of names and addresses may be revised from time to time but such list need not be revised more frequently than at twelve-month intervals. If a mobile home park is located on one or more of the tracts to be assessed, the notice must be given to the owner of the tract and each tenant of that mobile home park. Notice shall also be given by posting in three public places at or near the site of the Project at least twenty (20) days prior to said hearing. Proof of such mailing and posting shall be made by the affidavit of the County Clerk or of the Engineer, such proof to be filed with the County Clerk, provided that failure to mail such notice or notices shall not invalidate any assessment nor any other of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by publication in the Reno Gazette-Journal, a daily newspaper published in Reno and of general circulation in Washoe County, Nevada, once each week for three (3) consecutive weekly publications, by three (3) weekly insertions, the first publication in such newspaper to be at least fifteen (15) days prior to the date of the protest hearing. Not less than fourteen (14) days shall intervene between the first

publication and the last publication in such newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk. The proof of publication, the proof of mailing and the proof of posting shall be maintained in the records of the office of the County Clerk until all the assessments appertaining to the District shall have been paid in full as to principal, interest and any penalties or collection costs. The notice shall be in substantially the following form:

Section 5. The Agreement between the County and the Spanish Springs Valley Ranches Property Owners' Association (the "Association") in substantially the form attached to the Engineer's Report to the Board of County Commissioners on Benefits, is hereby approved and the Chairman and Clerk are authorized to execute and deliver such Agreement on behalf of the County.

Section 6. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this resolution) concerning the Washoe County, Nevada, Special Assessment District No. 32 (Spanish Springs Valley Ranches Roads) be, and the same hereby are, ratified, approved and confirmed.

Section 7. The officers of the County are directed to effectuate the provisions of this resolution.

Section 8. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 9. The invalidity of any provision of this resolution shall not affect any remaining provisions hereof.

Section 10. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

03-339 RESOLUTION – PUBLIC RECORDS POLICIES AND PROCEDURES – FINANCE

Katy Singlaub, County Manager, said the Registrar's Office has charged 15 cents per page for copies for over a year. She further said 50 cents per copy is charged for copies of precinct maps on 11 by 17 paper and \$10 for large color maps, which is the same fee Community Development charges for their large maps. Ms. Singlaub stated the Registrar's Office is prepared to adjust charges to any level, including zero, based on the Board direction.

Commissioner Weber stated she would like consistency throughout the County departments. In response to Commissioner Weber, Darin Conforti, Senior Fiscal Analyst, Finance Department, said the Resolution is intended to create consistency throughout the County and abide by the provisions of Nevada Revised Statute (NRS)

239, which allows a government entity to recover its "actual" cost. Commissioner Weber said she does believe the County needs to charge a fee. Ms. Singlaub stated Mr. Conforti surveyed every department, did a very specific accounting of actual costs, and performed calculations according to NRS. Mr. Conforti explained that the consideration staff put forth in recommending no charge unless extraordinary use of personnel was involved had to do with the administrative cost relative to handling such small denominations of cash because most departments are not set up for cash handling.

5:35 p.m. Commissioner Sferrazza returned to the meeting.

In response to Commissioner Galloway, Mr. Conforti said copying time does include the time necessary to retrieve the records. Maureen Shepherd-Griswold, Deputy District Attorney, concurred that copying time includes records retrieval and stated there is ample legislative history to support that.

Commissioner Weber asked if there would be a charge to burn a CD. Mr. Conforti responded if there was a public record stored in CD format, law permits recouping the actual cost of providing a copy of the CD; the actual cost would be calculated; and a quote provided before filling the request.

In response to Commissioner Weber, Mr. Conforti stated the intent is to have a consistent policy throughout the County, and not left to the discretion of each Department Head.

Gary Schmidt, Washoe County resident, said he could support either Version, but proposed a Version C, which would be four cents per page; and if the order were under the amount determined to exceed the cost of collection, the fee would be waived. He stated he appreciated the courtesy, attentiveness, and cooperation of Mr. Conforti and Ms. Griswold, and the current Resolution is an excellent piece of work. Mr. Schmidt said he had an issue with the definition of extraordinary use of personnel and Legislative history has never defined extraordinary in relation to time, but that it is generally nuisance behavior and tying up government. He further stated he would be proud of the Resolution and fully support it if it were changed from 30 minutes to 60 minutes. Commissioner Galloway thanked Mr. Schmidt for the time he devoted to this matter, and said he had performed a public service.

Commissioner Galloway said it is time for a consistent policy, even though that policy may not be perfect at the beginning and aspects may need to be reconsidered if there is abuse. He further said if it were determined 30 minutes would not satisfy most peoples' needs, that could be adjusted.

Commissioner Galloway then made a motion to adopt Version A and Commissioner Shaw seconded the motion.

Commissioners Sferrazza and Weber stated they do not support Version A because they feel the County should charge for copies and would support charging a flat

four cents per copy. In response to Commissioner Sferrazza, Mr. Conforti said it could be offered to reduce larger size paper to letter or legal to avoid a cost.

On call for the question, the motion passed 3 to 2, with Commissioners Sferrazza and Weber voting "no."

RESOLUTION

A RESOLUTION ADOPTING PUBLIC RECORDS POLICIES AND PROCEDURES FOR WASHOE COUNTY

WHEREAS, Chapter 239 of the Nevada Revised Statutes, referred to as the Nevada's Public Records Law, provides that all public books and public records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, must be open for inspection and copying during normal business hours and that every officer having custody of public records, the contents of which are not declared by law to be confidential, shall furnish copies certified to be correct to any person who requests them and pays or tenders such fees as may be prescribed for the service of copying and certifying; and

WHEREAS, government records document the actions taken by government and the purpose of Nevada's Public Records Act is to ensure the accountability of the government to the public by facilitating public access to vital information about government activities; and

WHEREAS, it is in the highest interest of good governance and public accountability to ensure the public receives the most timely and consistent service as is practicable and legal when requesting access to or copies of public books and public records; and

WHEREAS, government also has a duty to be a diligent and prudent steward of the information contained in government records so as to ensure confidential materials are appropriately protected from disclosure; and

WHEREAS, Nevada law does not define public books and public records, nor does NRS Chapter 239 provide a definition of confidential records, and where it is not clear, decisions of the Nevada Supreme Court and opinions of the Nevada Attorney General provide guidance on the relevant considerations and processes to be followed by governmental entities in making determinations on these issues including, but not limited to weighing relevant justifications for nondisclosure against the general policy in favor of open government; and

WHEREAS, it is the Board of County Commissioners' intent in adopting this resolution not to create any rights or impair any duties set forth under Nevada's Public Records Law as currently written and interpreted and as it may be written or interpreted in the future; and

WHEREAS, NRS 239.052 provides that a governmental entity may charge a fee for providing a copy of a public record, and that such a fee must not exceed the actual cost to the governmental entity to provide the copy of the public record unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy; and

WHEREAS, NRS 239.053 provides that for a request for a copy of a transcript of an administrative proceeding transcribed by a certified court reporter, that in addition to the actual cost of the medium, a governmental entity must charge a fee for each page equal to the per page cost charged by the court reporter, and remit the court reporter's per page cost to the court reporter as provided therein; and

WHEREAS, NRS 239.054 permits a governmental entity to charge a fee, in addition to actual cost of the medium, for information from geographic information systems provided certain criteria are met; and

WHEREAS, NRS 239.055 provides that a governmental entity may charge an additional fee that is reasonable, when the extraordinary use of personnel or technological resources is needed to provide a copy of a public record; and

WHEREAS, NRS 239.052 also provides that a governmental entity may waive all or a portion of a charge or fee for a copy of public records; and

WHEREAS, NRS 239.052 further provides that a governmental entity must prepare and maintain a list of the fees that it charges at each office in which the governmental entity provides copies of public records and to post, in a conspicuous place at each office in which copies of public records are provided a legible sign or notice which states the fee being charged to provide the copy of the public record, or the location at which a list of each fee for copies may be obtained; and

WHEREAS, On June 22, 1999, the Board of County Commissioners adopted "Resolution Directing County Departments To Post Copying Costs for Public Records;"

NOW, THEREFORE, BE IT

RESOLVED, by the Washoe County Board of Commissioners that any prior resolution adopted pertaining to the access and copying of public records including the June 22, 1999 "Resolution Directing County Departments to Post Copying Costs for Public Records" is hereby repealed, and be it further

RESOLVED that the following are the public records policies and procedures for Washoe County:

Section 1.

Purpose This resolution sets forth the general policy and procedures for providing consistent, prompt, and equitable service to persons requesting access to the public books and public records of Washoe County governmental entities in accordance with the requirements of Chapter 239 of the Nevada Revised Statutes. Citizens have a right to know how government operates and spends taxpayer dollars, and public books and public records contain vital information about the operations and activities of government. It is the intent of the Board of County Commissioners to ensure public books and public records are open and accessible to citizens so as to promote an informed and involved citizenry. Of equal importance to ensuring an open and accessible government, is for government to ensure confidentiality of certain information whether based upon state or federal law, including relevant court decisions and Nevada Attorney General opinions recognizing privacy interests of individuals, other competing interests, privileges or other applicable considerations. Where the law is unclear, the Nevada Supreme Court has allowed for use of a balancing of interests test to weigh the interests of nondisclosure against the general policy in favor of open government. It is, therefore, the purpose of this policy to establish reasonable and consistent procedures to be followed in considering public records requests.

A further purpose of these guidelines is to establish reasonable and consistent fees for providing copies of public records and ensuring the public is informed of applicable fees as provided for by Chapter 239 of the Nevada Revised Statutes.

Section 2.

Policy All public books and public records of Washoe County governmental entities, not otherwise declared by law or deemed by application of appropriate legal standards to be confidential, will be available at all times during office hours to inspection by any person, and may be fully copied. It is further the policy of Washoe County to follow both state and federal law in the interpretation and application of these issues.

Section 3.

Scope and Applicability These policies and procedures refer to "Washoe County governmental entities" which covers all departments of Washoe County government unless otherwise superseded by state or federal law, rules, or regulations.

Section 4.

Definitions. For purposes of this resolution, the following terms have the following meaning:

Actual cost, means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

Extraordinary use of personnel, if it takes longer than 30 minutes to format, retrieve, compile, and copy a request for a public record, the request shall constitute extraordinary use of personnel.

Extraordinary use of technology, if a public record readily available in electronic form requires computer programming or data analysis and manipulation by software to retrieve the requested record, the request shall constitute extraordinary use of technology.

Geographic information system, means a system of hardware, software and data files on which spatially oriented geographical information is digitally collected, stored, managed, manipulated, analyzed and displayed.

Readily available medium, means the form the public record is produced or stored, i.e., paper, video, audio, computer storage, etc.

Section 5.

Requests for Public Records A request for access to or copies of a public record may be made orally, or in writing. A public records request form has been developed to facilitate a clear understanding of the nature and scope of the request. The request form need not be used for requests a department can easily respond to because the document is a known public record and immediately available. However, departments shall use the Request for Public Records form for requests that cannot be filled immediately to help ensure accuracy, timeliness, and documentation of the request. The requester should be asked to complete the form, but a requester is not required to complete the form. In cases when the requester is not present, an employee should complete the form taking the information from the requester. In the event the request was placed by telephone, letter, or through email, the employee should ask the requester to sign the form at the time the requester picks up the request, however, the requester is not required to sign the form. The more information the requester provides the easier and faster the request can be filled. However, a request may not be denied for a lack of specificity, and the requester and County officer or employee to whom the request is made should engage in a dialogue to clarify the request. Where clarification is not possible, the County officer or employee should fill the request to the best of his or her ability.

Section 6.

Timeframe for Responding to a Request Requests for public records should be responded to as soon as possible within the conduct of regular work duties but no later than 2 working days after the request has been made unless extraordinary use of personnel or technology will be needed to provide a copy of a public record, or except as otherwise provided herein. If a request cannot be responded to within 2 working days the requester shall be notified at the time the request is made or as soon as it is known the request cannot be timely filled. The department shall inform the requester of the date when the request will be filled. If the request to a department involves public records

maintained by another department, the requester should be directed to that department in an attempt to ensure the appropriate record is provided. If another department generated the record and the department from which the record is requested used it in the course of conducting its public business, the record must be made available by the department receiving the request.

Section 7.

Determining Status and Access As Nevada state statutes do not provide a definition of "public books" or "public record", the status of any given record may not be readily ascertainable. If the public or confidential status of a requested record is not known, the employee should consult his or her supervisor. If the status is still not determined, the department shall seek the counsel of the District Attorney's Office. If the determination by the District Attorney's Office will require more than the 2 working days to answer, the department shall notify the requester that a review of the request is being done and when the expected completion date will be. Reviews by the District Attorney's Office shall be done within 7 working days. If the review cannot be done within that timeframe the department shall notify the requester.

When the public or confidential status of a requested record is not known by the Department and has to be referred to the District Attorney, the department should complete the records request form. On the form it should be noted what document was requested, the determination by the District Attorney's Office, and any reasons specified by the District Attorney and department for denying or granting access to the record. The records form should be used for future reference.

If access to a record is denied, the requester should be provided with a written basis for the denial. Provisions of federal or state law may make a document confidential. It is the responsibility of each County department to know the law in the area in which each department operates. For example, there are many provisions of federal and state law governing the field of public health that make certain documents confidential, the same is true of child protective services, and service areas affecting other departments of Washoe County. Each department head should identify one or more persons in their respective departments to become familiar with the laws governing the specific fields of work who can serve as contacts when requests for public records are made.

Section 8.

Protection of Original Documents At no time should any person inspecting public records be allowed to remove records from the premises or location stored. Reasonable steps shall be taken to ensure the protection of public records while being inspected including but not limited to supervision, viewing areas, and sign-in sign-out requirements. Members of the public are not allowed to take possession of a public record in any medium and reproduce the record.

Section 9.

Fees for Copies of Public Records on Letter Size or Legal Size Paper No fee will be charged to provide one copy of a public record on standard letter size or legal size paper unless extraordinary use of personnel or technology is necessary to fill the request. A copy of a public record refers to the document, not the number of pages. For example, if a person requests a copy of lo-page county report, that would be a request for a single copy of a record containing to pages. If additional copies of a record are requested the requester shall be referred to procure the copy services of a private business.

Section 10.

Fees for Reproducing Public Records Requiring Extraordinary Use of Personnel or Technology Pursuant to the authority granted in NRS 239.055, if extraordinary use of personnel or technology is required to retrieve and copy the public record, the requester shall be charged a fee equal to the actual hourly wage or portions thereof of the individual responsible for preparing the information. The statute also provides in part: "The fee charged by the governmental entity must be reasonable and must be based on the cost that the governmental entity actually incurs for the extraordinary use of its personnel or technological resources."

Requests taking longer than 30 minutes to fill constitute an extraordinary use of personnel. In such cases, the charge will be based upon the time elapsed in excess of the first 30 minutes spent in formatting, retrieving, compiling and copying the record. The lowest compensated individual reasonably available and qualified to respond to the request should prepare the requested information. The extraordinary use of personnel charge only includes the costs for the actual hourly wage in excess of the first 30 minutes; costs for paper are not included.

Should extraordinary use of technology be needed to provide the information requested, the requester shall be charged the actual cost for the use of the technology exclusive of overhead.

Upon receiving a request requiring extraordinary use of personnel or technology, the requester shall be informed of the actual charge before preparing the requested information. Fees shall be collected before providing the copy of the public record. The County will not charge an additional fee as provided herein if subsequent requests for the same documents do not require the extraordinary use of County personnel or technological resources to fulfill the additional or subsequent requests.

Section 11.

Fees for Copies of Public Records in Other Mediums State law provides that "an officer, employee or agent of a governmental entity who has custody of a public record shall not refuse to provide a copy of that public record in a readily available medium because he has already prepared or would prefer to provide the copy in a different

medium." In the event a request is made for a public record maintained in a readily available medium other than letter size or legal size paper or the readily available medium of the public record cannot be accurately reproduced on a standard copier to letter size or legal size paper, the requester shall be charged the actual cost for reproducing the record. For example, if a county department records public meetings on audiotape and a request for an audiotape of a meeting is received, the county department would charge the cost of the audiotape used to reproduce the public record. County departments shall post the costs for such copies where the copy costs are known in advance, or where costs for mediums other than letter size and legal size paper are not known in advance, the department is responsible for determining the actual costs for copying the record and advising the requester before providing the information and within two working days of the request being made what the amount of the fee will be and when the copy will be available.

Section 12.

Posting of Fees and Lists of Fees Departments and Divisions shall post a sign in a place of clear public view listing the fees charged for a copy of a public record. All departments and divisions shall forward a copy of their list of fees to the County Manager's office. The County Manager shall maintain the list and make such list available for public inspection and copying.

Section 13.

Applicability of Fees Where the law sets a fee that must be charged for a copy, that fee will be charged. The following list is not inclusive of all statutes where fees are set:

- NRS 3.370- Official Court Transcripts, fee varies according timeframe of fulfilling the request;
- NRS 4.060- Justice Courts 30 cents per page for preparing any copy of any record, proceeding, or paper;
- NRS 19.013- County Clerk \$1 per page for preparing any copy of any record, proceeding, or paper;
- NRS 244.116- County Code copies of County Code may be sold at any price established by resolution of the Board, and Washoe County Code Chapter 2 addresses costs.
- NRS 247.305- County Recorder \$1 per page for copying any record;
- NRS 248.275- Sheriffs Office \$3 per page for a copy of any writ, process or other paper, when demanded or required by law; and

- NRS 258.125- Constables \$3 per page for a copy of any writ, process or other paper, when demanded or required by law.
- NRS 293.440- Registrar of Voters- 1¢ per name for a list of persons registered to vote in a precinct.
- NRS 440.700- Vital Statistics \$11 for a certified copy of a record of birth and \$8 for certified copy of a record of death.

The fees for copying public records set by this resolution do not apply to copies made of books, circulations, periodicals, other library holdings, and personal documents copied for the convenience of the public on copy machines maintained by the Washoe County Library and Law Library.

Section 14.

Fees for Records from Geographic Information Systems A fee for public information maintained and retrieved from a geographic information system may be charged in accordance with the provisions of Nevada Revised Statute 239.054. This fee may include the reasonable costs related to:

- a) The gathering and entry of data into the system;
- b) Maintenance and updating of the database of the system;
- c) Hardware;
- d) Software;
- e) Quality control;
- f) Consultation with personnel of the governmental entity.

Before providing information requested from a geographic information system, the requester shall be informed of the fee to be charged.

Section 15.

Public Meetings: Providing copies of agenda and supporting material upon request

Under NRS 241.020(4), upon any request, a public body shall provide at no charge, at least one copy of:

- An agenda for a public meeting;
- A proposed ordinance or regulation which will be discussed at the public meeting; and
- Any other supporting material provided to the members of the body except materials:
 - o Submitted to the public body pursuant to a nondisclosure or confidentiality agreement;
 - o Pertaining to the closed portion of such a meeting of the public body; or
 - o Declared confidential by law.

Section 16.

Certification of Public Records Pursuant to NRS 239.030 each county department having custody of a public record shall certify, upon request and for no charge unless a fee is otherwise established in state or federal law, on a form the same or similar to the form attached hereto, that the copy provided is a full, true and correct copy of the record(s) on file in the office as of the date provided.

Section 17.

Departments' Responsibility for Public Records Request Each department is responsible for ensuring a timely and coordinated response to requests for its public records. To facilitate a timely response to requests, departments should make clear to the appropriate employees their responsibilities for responding to requests.

Section 18.

Training Responding to a request for a public record is a part of the fundamental role of being a public employee and serving the public. All departments must ensure appropriate employees are adequately trained to respond to requests in a timely, courteous, and professional manner. Employees should be annually informed of applicable laws, regulations, and policies and procedures.

Section 19.

Retention Period for Public Records Public records shall be retained in accordance with the County's Record Retention Schedule.

[Business Impact Note: The Board of County Commissioners hereby finds that this resolution does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

03-340 REPORT – WASHOE COUNTY CODE DESIGNATIONS OF CONFIDENTIAL RECORDS BASED UPON NEVADA ATTORNEY GENERAL'S OPINION NO. 2002-32 – DISTRICT ATTORNEY

Maureen Sheppard-Griswold, Deputy District Attorney, reviewed the staff report dated March 14, 2003, which was placed on file with the County Clerk. She said the purpose is to provide a definition of confidential record in the County Code and establish a process for review of denials of a record. She stated the review process would attempt to ensure individualized review of a denial of a record. In response to Commissioner Sferrazza, Ms. Griswold said the Ordinance was not set up to provide for someone to say they do not want a record released, but she could look into it. She further advised when it is a request for a personnel record, based on what the request is or who is making request, the individual may be contacted concerning the request, and notified of

the County's determination that the record is confidential or not. She further explained if it were determined not to be confidential, the County's intent to release the record on a certain date would be indicated and it would be up to the individual to try to stop the release.

Gary Schmidt, Washoe County resident, said he is absolutely opposed to the proposed change in the Washoe County Code.

Ms. Griswold suggested it be brought back with some alternatives. She also said she would be reluctant to leave the issue up to policy or resolution because the Code is readily available to staff and the public.

In response to Commissioner Sferrazza, Ms. Griswold stated the Attorney General has said if it is not clearly a public record, you also apply a balancing test and not being designated confidential does not mean it is a public record. Commissioner Sferrazza suggested stating the reverse; it is a public record unless the balancing test shows it to be confidential.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the proposed Ordinance be brought back with alternatives.

03-341 DISCUSSION – RULES AND PROCEDURES FOR WASHOE COUNTY BOARD OF COMMISSIONERS

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that No. 3 of the Rules and Procedures for the Washoe County Board of Commissioners be changed from "four consecutive years" to "two consecutive years" and "four more years" in the last sentence to "another term." It was further ordered that "preference shall be given to the Commissioner who represents the Lake Tahoe Basin to be appointed to the TRPA" be added.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that staff be directed to re-write and bring back No. 2 of the Rules and Procedures for the Washoe County Board of Commissioners that to place waiver of fees on an agenda would require two Commissioners.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Rule No. 4 be changed to read "When a Board member sends official correspondence taking a position regarding constituent complaints or County issues, a copy will be placed on file in the County Manager's Office and copies sent to the other Board members."

03-342 APPOINTMENT PROCESS – SPARKS JUSTICE OF THE PEACE

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that reconsideration of the appointment process for the Sparks Justice of the Peace be approved.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that a sub-committee be formed, consisting of Commissioners Shaw and Weber, to interview all applicants for the Sparks Justice of the Peace; the sub-committee would then recommend up to three candidates to appear before the Board of County Commissioners for final interview and selection; and if any other Commissioner wanted to include a candidate for final interview and selection that is not part of the three identified by Commissioners Shaw and Weber, that applicant would be added to the list and also appear before the Board.

**03-343 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP02-017 –
OPEN SPACE ON PUBLIC LANDS – COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time set for continuance of the public hearing from the March 11, 2003 County Commission meeting to consider a request to amend eleven of the County's area plans and the Reno-Stead Corridor Joint Plan, being a part of the Washoe County Comprehensive Plan. The Planning Commission-initiated amendment would change the existing land use designation (on public lands only), in the southern portion of the County from General Rural, Open Space, Low Density Rural, Medium Density Rural, High Density Rural and Low Density Suburban to the Open Space, General Rural and Parks and Recreation land use designations. **No privately owned parcels are affected by this amendment.** The multiple public parcels are all located within the boundaries of the Washoe County Regional Open Space Plan and within the following area plans: South Valleys, Forest, Southwest and Southeast Truckee Meadows, Verdi, North Valleys, Sun Valley, Warm Springs, Spanish Springs, Truckee Canyon, Tahoe and the Reno-Stead Corridor Joint Plan. The amendment request would change the land use designations on Assessor Parcel Numbers: 016-740-03, 016-751-36, 017-150-01, 017-200-01, 021-020-06, 021-270-34, 022-172-04, 022-181-01, 022-220-08, 022-220-20, 025-561-23, 035-080-05, 037-310-02, 037-310-06, 038-010-02, 038-150-15, 038-190-16, 038-190-20, 038-190-21, 038-190-26, 038-190-28, 038-190-45 thru 47, 038-260-03, 038-260-07, 038-270-02, 038-270-03, 038-790-01, 038-800-13, 045-252-05, 045-490-04, 047-010-40, 047-010-41, 047-010-62, 047-150-03, 048-110-22, 048-112-04, 048-120-22, 049-450-23, 050-011-02 and 13, 050-011-17 thru 22, 050-011-28 and 29, 050-011-31 and 32, 050-011-32, 050-120-08, 050-150-01, 050-170-07 thru 13, 050-170-19 thru 24, 050-170-26, 050-351-02, 050-351-03, 050-351-04, 050-351-06, 050-351-08, 050-351-10, 050-351-15 thru 17, 050-351-21, 050-351-22, 050-351-38, 050-351-54, 050-500-07, 050-500-12, 050-520-04, 050-520-05, 050-520-07, 055-010-19, 076-011-19, 076-012-09, 076-070-02, 076-070-03, 076-070-04, 076-080-01 thru 05, 076-161-05, 076-172-05, 076-272-05, 076-320-10, 076-440-03, 076-500-01, 076-510-02, 076-530-11, 076-570-05, 076-580-03 thru 06, 076-590-03, 078-051-07, 078-071-08, 078-071-17, 078-

081-06, 078-101-05, 079-010-26, 079-020-34, 079-030-13, 079-030-23, 079-030-27, 079-030-34 thru 37, 079-080-53, 079-130-18, 079-130-19 and 20, 079-130-20, 079-140-19, 079-150-55, 079-170-82, 079-210-46, 079-210-47, 079-450-14, 079-470-16, 079-490-06, 079-490-07, 079-500-01, 079-510-06, 079-510-07, 079-520-06, 080-671-07, 080-710-14, 080-722-02, 080-740-01 and 02, 081-023-02, 081-023-21, 081-050-26, 081-060-34, 081-070-29, 081-080-33, 082-083-09, 082-180-05, 082-180-08, 082-180-16, 082-180-51 and 52, 082-430-21, 082-430-22 thru 24, 082-440-01, 082631-01, 083-011-07, 083-061-06, 083-061-07, 083-730-01, 084-010-01, 084-010-02, 084-010-04, 084-010-05, 084-010-08, 084-010-10 thru 13, 084-010-15, 084-010-48, 084-020-02, 084-020-03, 084-020-04, 084-020-06 thru 17, 084-020-20, 084-030-01, 084-030-03 thru 09, 084-030-11, 084-030-13, 084-030-15 thru 19, 084-030-21 and 22, 084-040-01, 084-040-13 and 14, 084-070-12, 084-120-04, 084-120-06 and 07, 084-120-12, 084-130-02, 084-130-10, 084-130-11 thru 13, 084-172-03 thru 05, 087-010-18 and 19, 087-010-19, 087-010-25, 087-010-30, 087-021-01 thru 03, 087-021-05, 087-021-08, 087-021-13, 087-021-15, 087-021-19 thru 21, 087-340-01, 087-340-05, 087-340-08, 087-350-11, 087-381-04, 087-381-05, 089-010-05, 089-010-06 thru 09, 089-010-13 and 14, 089-020-06, 089-100-29, 089-160-01 and 02, 089-160-02, 089-160-04, 089-170-02, 126-010-54, 126-020-51, 130-340-01 and 02, 130-360-15 thru 18, 144-010-21, 150-080-01, 150-090-02, 152-010-25, 152-010-32, 152-020-77, 152-020-82, 152-020-86, 152-051-22, 152-430-03, 502-250-06, 508-010-01, 508-010-03, 508-460-01, 552-010-01 and 02, 552-020-01 and 02, 552-030-01, and 552-190-07. The 218 parcels considered for land use changes total approximately 194,000 acres of public lands located throughout southern Washoe County.

Bill Whitney, Senior Planner, Community Development, said the proposed changes only affect Federal lands managed by the U. S. Forest Service and the Bureau of Land Management (BLM), and a few County properties. He explained when the County Area Plans were first developed, staff felt it was important to give surrounding Federal lands some sort of land use designation like County lands. He then reviewed the staff report, dated February 24, 2003, and supporting documentation, which were placed on file with the County Clerk. In response to Commissioner Weber, Mr. Whitney said the major percentage of the lands are Federal lands, would be managed by the Federal agencies under their own plans, and the County land use designation would not dictate to the agencies how they manage their lands.

Commissioner Weber stated she was concerned that people who purchase their home with BLM or Forest Service in their backyard think an open space designation means they will never have anything back there. Mr. Whitney responded he has worked with the two agencies for quite some time, and the general populace is more educated concerning what it means to live up against Federal lands.

In response to Commissioner Sferrazza, Mr. Whitney said the County is constantly working with the BLM to keep accesses open to both public and private lands coming off I-80 and out of Spanish Springs where checkerboard patterns now exist. He stated the BLM does a good job of working with private landowners to keep public access open when there are checkerboard patterns. Madelyn Shipman, Assistant District

Attorney, stated access does not change whether it is designated public land or open space under the County Master Plan.

Commissioner Shaw asked if the proposed changes within the spheres of influence (SOI) of the Cities of Reno and Sparks would require approval by the Cities. Mr. Whitney stated he had been in contact with both Cities, and at the staff level both have said to proceed.

Mr. Whitney referred to a letter sent from Bart Hiatt on behalf of Truckee Canyon Properties, LLC, dated March 20, 2003, which was placed on file with the County Clerk. He said staff does not object to Mr. Hiatt's request to exclude two parcels at the I-80 East Mustang exit.

Mr. Whitney said the best way to describe the proposed Comprehensive Plan Amendment (CPA) would be that the County is updating its Master Plan land use designation for public lands to more appropriately correspond to the Forest Service and BLM's management of these lands under their own resource management plans. He further stated by going through this process, Washoe County is continuing its commitment as the region's open space provider.

Chairman Humke opened the public hearing by calling on anyone wishing to speak.

Dave Kladney, Reno resident, and Monika Frank, Washoe Valley resident, submitted comment cards supporting the proposal. Tina Nappe and Mike McCurry sent e-mails in support of the CPA.

Larry Bibee, Lumos and Associates, stated he has worked with Truckee Canyon Properties for a number of years and feels APN's 84-172-04 and 84-172-05 should not be designated open space.

Bart Hiatt, Truckee Canyon Properties, LLC, said he would like the two parcels referenced in his letter removed from the CPA.

Lois Avery, Chairman of the Spanish Springs Citizen Advisory Board (CAB), said the CAB is in favor of the proposal. She stated it allows more community input as development occurs. She also said the BLM worked with the community in designating lands as disposable or non-disposable, and the disposable properties are not included in this CPA. She stated the CAB voted unanimously to support the project due to the benefit to the entire community, and would not be opposed to pulling the two Truckee Canyon Properties parcels.

June Thomas, Washoe County resident, said she fears the loss of a rural lifestyle, and believes this amendment would help ensure it. She stated the change to open space would allow more of a voice concerning proposed land changes, should the

property become private, and she has no objection to removing the two Truckee Canyon Properties parcels.

Gary Schmidt, Washoe County resident, stated he owns developed and undeveloped residential property adjacent to parcels listed in the CPA. He explained that under the existing GR designation, if the Federal agencies disposed of land, it could be developed without going through the County's rezoning process.

There being no one else wishing to speak, Chairman Humke closed the public hearing.

In response to Commissioner Weber, Ms. Shipman said any rezoning, whether from GR or open space, would require the same process. She also said if a land use designation was inconsistent with the Regional Plan, an amendment to the Regional Plan would be required.

In response to Commissioner Weber, Mr. Whitney said the recreational use for these lands would remain the same.

Commissioner Galloway said he does not believe every piece of property in the County designated open space needs to be permanently designated in this restricted use category or that any of the lands in the CPA are unsuitable for up-zoning.

In response to Commissioner Sferrazza, Mr. Whitney said open space is the most restrictive land use designation in the Washoe County Development Code and the same uses, plus many more, allowed under open space are allowed in general rural.

Commissioner Sferrazza said he thinks this is a tremendous opportunity for the community to preserve lands and strongly supports the amendment and Commissioner Shaw agreed.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the Comprehensive Plan Amendment Case No. CP02-017 (Open Space on Public Lands) to include eleven of the County's Area Plans, deleting APN's 84-172-04 and 84-172-05, be approved. This action is based on the following findings:

1. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the Board of County Commissioners adopted the plan.

4. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element, the Public Services and Facilities Element and/or the Housing Element of the Washoe County Comprehensive Plan.

5. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

6. The proposed amendment does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 266.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

03-344 APPEAL – COMPREHENSIVE PLAN AMENDMENT CASE NO. CP02-012 – VERDI BUSINESS PARK – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set for continuance of the public hearing from the March 11, 2003 County Commission meeting to consider an appeal of the Washoe County Planning Commission's (WCPC) denial of Comprehensive Plan Case No. CP02-012, a request to amend the Verdi Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Numbers 038-430-26, 27, 29, 39, 41, 42, 43 and 44 from the land use category of Neighborhood Commercial (NC) and Industrial (I) to Specific Plan Area (SPA). Assessor's Parcel Numbers 038-430-26, 27, 29, 39, 41, 42, and 43 are currently designated Neighborhood Commercial, and Assessor's Parcel Number 038-430-44 is currently comprised of approximately .806 acres of Industrial and .598 acres of Neighborhood Commercial. The parcels considered for the land use change total approximately 10.38 acres and are located along the west side of U.S. Highway 40 directly north of Interstate 80. The parcels are located within the Verdi Area Plan and the

Truckee Canyon Hydrographic Basin, in a portion of Section 15, T19N, R18E, MDM. The parcel considered for the land use change is within the expanded Reno Sphere of Influence of the Truckee Meadows Regional Plan adopted May 9, 2002. The Truckee Meadows Regional Plan includes policies on Sphere of Influence, Policy 1.2.15, and submittals to the Regional Planning Commission, Policy 4.1.1. To reflect the changes requested within this application and to maintain currency of the general area plan data, administrative changes to the area plan are proposed. These administrative changes may include: new text or policy; a revised map series with updated parcel base and data sources related to development suitability, current assessed land use, planned land use, streets and highways, and public services and facilities; new population statistics, new references to past and future facility construction; new horizon date references and corrections to department or agencies names; and revisions to the Table of Land Uses and the Table of Approved Tentative Subdivisions.

Trevor Lloyd, Planner, Community Development, explained the WCPC's denial was a technical denial. He stated all the property owners are now in support of the Comprehensive Plan Amendment (CPA). Sharon Kvas, Planning Manager, Community Development, said upholding the appeal would allow the specific plan to be adopted, with a change to the Table of Uses to include a condition that would exclude wholesale storage and distribution, resulting in no open air storage of heavy industrial equipment.

Chairman Humke opened the public hearing by calling on anyone wishing to speak.

Michael Rosenauer, representing 100 percent of the owners of Verdi Business Park, urged adoption of the CPA, with the change to the Table of Uses.

There being no one else wishing to speak, Chairman Humke closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the Appeal be upheld and Comprehensive Plan Amendment Case No. CP02-012 be approved, with the change that the Table of Land Uses is amended to exclude open-air storage of heavy industrial equipment. This action is based on the following findings:

1. The proposed amendment to the Verdi Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendments to the Verdi Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the Verdi Area Plan responds to changed conditions or further studies that have occurred since the plan was adopted by

the Board of County Commissioners, and the requested amendment represents a more desirable use of land.

4. The proposed amendment to the Verdi Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.

5. The proposed amendment to the Verdi Area Plan will promote the desired patten for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

6. The proposed amendment to the Verdi Area Plan is the first amendment to the Plan in 2003, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Verdi Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 266.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

9. The Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the Board from the Washoe County Planning Commission and the information received during the Washoe County Commission public hearings.

**03-345 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP00SV-001
- REPTILE RIDGE PROPERTIES, INC. - COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time set for continuance of the public hearing from the February 25, 2003 County Commission meeting and published in the *Reno Gazette-Journal* and mailed to affected property owners on March 14, 2003 to consider a request to change the land use designation from Low Density Suburban (LDS) to High Density Rural (HDR) on ±4.00 acres, Low Density Suburban (LDS) to Medium Density Rural (MDR) on ±1.00 acre, General Rural (GR) to Medium Density Rural (MDR) on ±21.58 acres, and with ±5.14 acres to remain Low Density Suburban (LDS) and with ±2.20 acres to remain General Rural (GR). The three parcels total ±34.00 acres and the request is authorized by Article 820 of the Washoe County Development Code (Chapter 110 of the Washoe County Code). The change will not increase the development potential of these

properties; it will distribute the existing parcel potential over a greater area and remove the concentration of development from the existing residences within the area. The requested rezoning is located on the west side and at the southerly terminus of Neilson Road, which is south of Andrew Lane and approximately one mile southeast of US 395 South in Pleasant Valley. The parcels are designated Low Density Suburban (LDS) and General Rural (GR) in the South Valleys Area Plan, and are within the NW/4 of Section 9, T17N, R20E, MDM, Washoe County, Nevada. The properties are located in the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN: 017-360-03, 04, & 05) (This item was approved by the Board on October 22, 2002, see 02-1138, but must be reheard due to noticing issues.)

7:55 p.m. Commissioner Weber temporarily left the meeting.

Don Young, Zoning Administrator/Senior Planner, Community Development, reviewed the history and staff report, dated March 10, 2003, for this Comprehensive Plan Amendment (CPA), which staff report was placed on file with the County Clerk.

Chairman Humke opened the public hearing by calling on anyone wishing to speak. There being no response, Chairman Humke closed the public hearing.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber temporarily absent, Chairman Humke ordered that Comprehensive Plan Amendment Case No. CP00SV-001 (Reptile Ridge) be approved. This action is based on the following findings:

1. The proposed amendment to the South Valleys Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.

2. The proposed amendments to the South Valleys Area Plan will provide for land uses more compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety, or welfare.

3. The proposed amendment to the South Valleys Area Plan responds to changed conditions and refined assessments that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.

4. The proposed amendment to the South Valleys Area Plan will have no affect upon the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.

5. The proposed amendment to the South Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guides

development of Washoe County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

6. The proposed amendment to the South Valleys Area Plan was the first amendment to the Plan in 2000, and did not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

7. The Washoe County Planning Commission public hearing and the related changes to the text and maps of the South Valleys Area Plan have been properly noticed in the newspaper of general circulation in the county as prescribed under NRS 266.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and to the information received during the Washoe County Commission public hearings.

**03-346 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP02-013 –
NORMAN EVANS – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners on March 14, 2003 to consider a request to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate a portion of Assessor's Parcel Number 055-150-33 from the land use category of General Rural (GR) to Low Density Rural (LDR) and from General Rural (GR) to Open Space (OS). The net change in development potential equals a maximum of six potential residential lots. The portion of the parcel considered for the land use change totals ±68.35 acres of a ±119-acre parcel, and is located to the south of Bowers Mansion, with Franktown Road fronting the west property line and State Route 429 (Old U.S. 395) fronting the east property line. The parcel is found within the Washoe Valley Hydrographic Basin in Sections 15 and 16, T16N, R19E, MDM. The Truckee Meadows Regional Plan, adopted May 9, 2002, includes policies on Rural Development, Policy 1.1.6, and Development Constraints Policies 1.1.8 and 2.1.1. The proposed amendment is also within the Reno Area of Interest, however, outside the Truckee Meadows Service Area (TMSA). (Continued from the January 21, 2003 meeting.) To reflect the changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes may include: new text or policy; a revised map series with updated parcel base and data sources related to development suitability, current assessed land use, planned land use, streets and highways, and public services and facilities; new population statistics, new references to

past and future facility construction; new horizon date references and corrections to department or agencies names; and revisions to the Table of Land Uses and the Table of Approved Tentative Subdivisions.

Sandra Dutton, Planner, Community Development, reviewed the staff report dated March 10, 2003 providing background information.

Chairman Humke opened the public hearing by calling on anyone wishing to speak. There being no response, Chairman Humke closed the public hearing.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber temporarily absent, Chairman Humke ordered that Comprehensive Plan Case Number CP02-013 (Norman Evans) be approved. This action is based on the following findings:

1. The proposed amendment to the South Valleys Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan. The amendment conforms to policies LUT.1.1, LUT.1.14, POP.1.4, C.2.1, C.2.17, C.3.2 and SV.2.5.

2. The proposed amendment to the South Valleys Area Plan will provide for land uses compatible with existing and planned land uses to the south, north, east and west of the subject site (LUT.1.12 and LUT.1.14, SV.2.5), and will not adversely impact the public health, safety or welfare.

3. The proposed amendment to the South Valleys Area Plan responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.

4. The proposed amendment to the South Valleys Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.

5. The proposed amendment to the South Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

6. The proposed amendment to the South Valleys Area Plan is the first amendment to the Plan in 2003, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the South Valleys Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).

8. The Washoe County Planning commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

9. The Board of County Commissioners gave reasoned consideration to information contained within the staff report and information received during the public hearing.

03-347 DISCUSSION – POSSIBLE CONSOLIDATION OF SERVICES AND/OR GOVERNMENTS

Chairman Humke read, and placed on file with the County Clerk, a statement he prepared concerning his position on consolidation. Commissioners Shaw and Galloway agreed that consolidation of services is necessary if it saves taxpayers money and provides the level of service taxpayers are accustomed to, but it should not be rushed into.

8:05 p.m. Commissioner Weber returned to the meeting.

Commissioner Sferrazza stated he does not support an absolute bar to consolidation legislation that might come forward.

Gary Schmidt, Washoe County resident, said he was opposed to enabling legislation dealing with the consolidation of the City of Reno and Washoe County. He further said consolidation should include the City of Sparks or not move forward.

03-348 LEGISLATIVE BRIEFING

Madelyn Shipman, Assistant District Attorney, discussed SB441 concerning differential taxing districts in the event of consolidation. Commissioner Galloway said Mayor Cashell, City of Reno, made a statement, which was not refuted by Reno City Councilmembers or City of Reno staff, that the City of Reno did not intend to pursue consolidation measures this legislative session without agreement by Washoe County. He stated in the spirit of reciprocity, the bill should be withdrawn. Commissioners Shaw, Humke and Weber concurred. Commissioner Sferrazza said, since a joint retreat is scheduled for April 5, it might be a good idea to ask the City of Reno if they want the County to withdraw the bill. Katy Singlaub, County Manager, suggested deferring the issue to the joint retreat.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that discussions concerning SB441

be deferred to April 5. It was further ordered that if it cannot be deferred to April 5, and the City of Reno would not be proposing a consolidation measure, staff be directed to withdraw the bill.

Commissioner Sferrazza requested AB292 be agendized for the next meeting.

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Commissioner Galloway requested an agenda item concerning appointing an alternate Commissioner to the Regional Planning Governing Board Legislative Subcommittee in the event he is unable to attend a meeting.

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There being no further business to come before the Board, the meeting adjourned at 8:55 p.m.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Sharon Gotchy and Melissa M. Ayrault,
Deputy County Clerks*